

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOFTWARE TREE, LLC

V.

RED HAT, INC., et al.

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NO. 6:09-CV-097

ORDER

Before the Court is Defendants' motion to reset the trial setting (Doc. No. 55). The matter is fully briefed (Doc. Nos. 62, 67, 75). The parties subsequently filed, and the Court granted, a joint motion resetting the trial date (Doc. Nos. 168, 170). Given this later motion and order, the Court finds Defendants' original motion moot. Accordingly, the Court **DENIES** Defendants' motion without prejudice to reurging.

Also before the Court is Plaintiff's Motion to Sever Defendant Hewlett-Packard Company's Patent Infringement Counterclaims (Doc. No. 88). The parties have briefed the matter (Doc. Nos. 99, 106). These counterclaims involved U.S. Patent No. 5,907,846 ("the '846 Patent"). The parties subsequently filed, and the Court granted, a joint motion to dismiss all causes of action relating to the '846 Patent (Doc. Nos. 163, 166). Given this later motion and order, the Court finds Plaintiff's original motion moot. Accordingly, the Court **DENIES** Plaintiff's motion.

So ORDERED and SIGNED this 5th day of March, 2010.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE